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p. 1

No. 1477

**Fax Cover Sheet**

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To: Susan C. Alimenti Fax No.: 703-872-9306

Re: Reply to Office Action of February 25, 2004

Application no:  
Atty Docket No:  
  
101661,301  
02-090

No. of page(s) including this cover sheet: 69

Included in this teletex transmission are:  
Transmittal Sheet  
Fee Transmittal Sheet  
Petition for Extension of Time  
Response (9 sheets)  
Drawings (1 sheet)  
Five Patents previously listed on the IDS (55 sheets)

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*Peter J. Somerville*  
Peter J. Somerville

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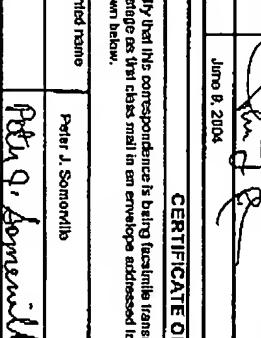
PAGE 1/69 \* RCVD AT 6/9/2004 9:58:13 AM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID:207 773 4585 \* DURATION (mm:ss):16:34

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
PO 9052-002-AW

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<b>TRANSMITTAL FORM</b>	
(To be used for all correspondence after October 8, 2002)	
Total Number of Pages in This Submission	1
Application Number	10/365,101
Filing Date	06/12/2003
First Named Inventor	James Anthony Waffel
Art Unit	3644
Examiner Name	Susan C. Almenau
Attorney Docket Number	00-900

ENCLOSURES (Check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition
<input type="checkbox"/> Alter Filing	<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Affidavit/Declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CO. Number of GDS(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	<input type="checkbox"/> Remarks
<input type="checkbox"/> Response to Missing Parts/under 37 CFR 1.32 or 1.33	Five (5) Patents previously issued on IDS.
<b>CERTIFICATE OF TRANSMISSION/MAILING</b> <p>I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as described, mail in an envelope addressed to Commissioner for Patents, P.O. Box 1650, Alexandria, VA 22313-1650 on the date shown below.</p>	
<b>Typed or printed name</b> Peter J. Somomtis	
<b>Signature</b> 	
Date	June 9, 2004
Date	June 9, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file, forward to the USPTO, or get filing, prosecution, and submitting the completed application form to the USPTO. Time will not commence upon the initial acceptance of the application or filing of the application for issuance. It is important that you send your application to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1650, Alexandria, VA 22313-1650. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1650, Alexandria, VA 22313-1650.

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## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Payment fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Approved for use through 07/25/2008.OMB USE-0302

C. Complete If Known

Application Number	10/685,1301
File Date	09/12/2003
First Named Inventor	James Anthony Mafei
Examiner Name	Susan C. Alimenti
Att.Uhl	3844
Attorney Docket No.	02-080

### TOTAL AMOUNT OF PAYMENT

(\$ 55.00)

### METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  Other  None

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

#### 4. FEE DESCRIPTION

Fee Paid

Fee

**OFFICIAL**

No. 1477 P. 5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/661 301 Confirm. No.: 7463  
Filing Date: 9/12/2003  
Inventor: James Anthony Marfai  
Title: Plant Protection Device and Method  
Art Unit: 3644  
Examiner: ALIMENTI, SUSAN C.  
Attorney Docket No.: 02090

To: Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Request for Reconsideration Pursuant to 37 C.F.R. § 1.111

Dear Sir:

This Request is filed responsive to the 02/25/04 Official Action, in which Examiner rejected pending Claims 1-5 under 35 U.S.C. 102(b) based on Hinsperger (U.S. Patent 5,605,007) and Claim 6 under 35 U.S.C. 103(a) based on Hinsperger in combination with Dalle (U.S. 4,577,436). Examiner also noted that Applicant failed to submit a paper copy of the five foreign patents cited in the Information Disclosure Statement. Applicant respectfully requests that Examiner amend the application in the manner set out immediately below, and explained in REMARKS starting on page 5. Applicant also requests that Examiner consider his arguments, also included in REMARKS, for deeming allowable all of the claims as amended.

AMENDMENTS

Amendments to the Specification begin on page 2 of this paper, as do the amendments to the Drawing and to the Claims.

IN THE SPECIFICATION

Please amend paragraph [0018] to read as follows: